

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section(s) 502
Title 14, California Code of Regulations
Re: Waterfowl, Migratory; American Coot; and
Common Moorhen (Common Gallinule)

- I. Date of Initial Statement of Reasons: June 17, 2003
- II. Date of Pre-adoption Statement of Reasons: July 18, 2003
- III. Date of Final Statement of Reasons: September 4, 2003
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 20, 2003
 Location: Mammoth Lakes, California
 - (b) Discussion Hearing Date: August 2, 2003
 Location: Long Beach, California
 - (c) Adoption Hearing: Date: August 28, 2003
 Location: Santa Rosa, California
- V. Update:

The Department is making the following modifications to the Initial Statement of Reasons based on the available data that the Service has released to date regarding the regulatory package options. However, the federal regulations will not be finalized until early August.

Sections 355 and 356 of the Fish and Game Code authorize the Fish and Game Commission to annually adopt regulations pertaining to the hunting of migratory birds that conform with, or further restrict, the regulations prescribed by the U.S. Fish and Wildlife Service (Service) pursuant to the Migratory Bird Treaty Act. These regulations ensure the conservation of waterfowl while providing for their use. Each year States may make recommendations to change federal regulations to Flyway Councils, which may forward these to the Service. By early August, the Service establishes federal regulations.

The Service, through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creating of special management areas, season length, and daily bag limits for migratory birds may occur. The Service establishes rules for “early season” hunting (waterfowl seasons that occur prior to October 1) in June of each year and establishes “late season” rules (waterfowl seasons that begin after October 1) in August of each year.

1. Modify the proposal to remove the restriction on all Canada geese and allow the take of Large Canada geese in the San Joaquin Valley Special Management Area.
2. The original proposal eliminated the restriction on Large Canada geese in the San Joaquin Valley Special Management Area. The proposed modification is to remove the San Joaquin Valley Special Management Area and allow the take of all Canada geese (Large and Small) in that area throughout the Balance of State Zone goose season.
3. The proposed season for ducks in the Northeastern California Zone will be from the second Saturday in October extending for 100 days. The proposed goose season is no change from last year’s recommendations. No recommendations were made in the Initial Statement of Reasons.
4. The proposed season for ducks in the Southern San Joaquin Valley Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year’s regulations. No recommendations were made in the Initial Statement of Reasons.
5. The proposed season for ducks in the Southern California Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year’s regulations. No recommendations were made in the Initial Statement of Reasons.
6. The proposed season for ducks in the Balance of State Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year’s regulations. No recommendations were made in the Initial Statement of Reasons.
7. The proposed daily bag limit for ducks in all zones will be 7 ducks with a daily bag limit makeup of: up to 7 mallards, of which only 2 can be females, and 1 pintail. No recommendations were made in the Initial Statement of Reasons.

8. The proposed season dates for the North Coast Special Management Area will be from November 22 extending for 5 days. No recommendations were made in the Initial Statement of Reasons.
9. The proposed Youth Hunt days would be as follows: The Southern San Joaquin Valley Zone and the Balance of State Zone will be the Saturday following the closing of waterfowl season extending for 2 days. Proposed Youth Hunt days for Northeastern, Southern California, and Colorado River Zones are no change from last year's regulations. No recommendations were made in the Initial Statement of Reasons.
10. Propose Falconry Season Lengths. The proposed falconry season in the Southern California Zone opens concurrently with duck season and extending for 107 days. The proposed falconry season in the Colorado River Zone is concurrent with duck season and from January 26 through January 30, 2004. Proposed Falconry Seasons in Northeastern, Balance of State, and Southern San Joaquin Valley Zones are no change from last year's regulations. No recommendations were made in the Initial Statement of Reasons.

The following was adopted by the Fish and Game Commission at their meeting on August 28, 2003 in Santa Rosa: A daily bag of 7 ducks, not more than 2 female mallards, 1 pintail and 1 canvasback, 2 redheads, and 4 scaup. Goose season and bag limits, youth hunt days, and falconry days were adopted as proposed for all zones. See below for adopted duck and coot season lengths.

Statewide coots & moorhens: concurrent with duck season

Northeastern Zone Ducks: Oct 11-Dec 9 & Dec 12-Jan 25
pintail season: Oct 11-Nov 30 & Jan 17-Jan 25
canvasback season: Oct 11-Dec 9

Balance of State and Southern San Joaquin Valley Zone Ducks: Oct 18-Nov 19
& Nov 21-Jan 25
pintail season: Oct 18-Oct 26 & Dec 6-Jan 25
canvasback season: Nov 27-Jan 25

Southern California Zone Ducks: Oct 18-Jan 25
pintail & canvasback season: Nov 27-Jan 25

Colorado River Zone Ducks: Oct 17-Jan 25
pintail & canvasback season: Nov 27-Jan 25

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached). Also attached are public comments from June 17 through August 28, 2003.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Allow the take of Canada geese in the Sacramento Valley (East) Special Management Area only after December 15.
2. No alternatives to the proposal to remove the restriction on all Canada geese and allow the take of Large Canada geese in the San Joaquin Valley Special Management Area were identified.

(b) No change Alternative:

1. The No Change Alternative would not allow additional harvest of small Canada geese in the Sacramento Valley (East) Special Management Area. Continuing population growth of Aleutians would lead to greater depredation effects on the northwest coast of California in the spring.

2. The No Change Alternative would continue to prohibit the harvest of Large Canada geese in this the San Joaquin Valley Special Management Area. Continuing a ban on all Canada goose hunting in the San Joaquin Valley Special Management Area is an unnecessary restriction and does not allow maximum hunting opportunity.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation(s) are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the ten proposals contained herein, the Service, through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Proposed changes 1 and 2 to state regulations require changes in the federal regulations. Proposals 1 and 2 also must be approved by the Pacific Flyway Council at their meeting on July 25, 2003. The remaining proposed changes would be consistent with federal regulations as they are currently understood. The Service will consider these and other recommendations at their meeting on July 31, 2003.

- (1) Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose season. The proposed change would eliminate the Special Management Area and the prohibition on the take of all Canada geese during the Balance of State Zone goose season.

- (2) The proposal in the Initial Statement of Reasons recommended the removal of the restriction on all Canada geese in the San Joaquin Valley Special Management Area and allow the take of Large Canada geese.

The proposed change would remove the San Joaquin Valley Special Management Area and the prohibition on the take of all Canada geese during the Balance of State Zone goose season.

- (3) **The proposed season for ducks in the Northeastern California Zone will be from the second Saturday in October extending for 100 days. The proposed goose season is no change from last year's regulations.**
- (4) **The proposed season for ducks in the Southern San Joaquin Valley Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year's regulations.**

- (5) The proposed season for ducks in the Southern California Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year's regulations.
- (6) The proposed season for ducks in the Balance of State Zone will be from the third Saturday in October extending for 100 days. The proposed goose season is no change from last year's regulations.
- (7) The proposed daily bag limit for ducks in all zones will be 7 ducks with a daily bag limit makeup of: up to 7 mallards, of which only 2 can be females, and 1 pintail.
- (8) The proposed season dates for the North Coast Special Management Area will be from November 8 extending for 16 days.
- (9) The proposed Youth Hunt days would be as follows: The Southern San Joaquin Valley Zone and the Balance of State Zone will be the Saturday following the closing of waterfowl season extending for 2 days. Proposed Youth Hunt days for Northeastern, Southern California, and Colorado River Zones are no change from last year's regulations.
- (10) Propose Falconry Season Lengths. The proposed falconry season in the Southern California Zone opens concurrently with duck season and extending for 107 days. The proposed falconry season in the Colorado River Zone is concurrent with duck season and from January 26 through January 30, 2004. Proposed Falconry Seasons in Northeastern, Balance of State, and Southern San Joaquin Valley Zones are no change from last year's regulations.
- (11) Establish a separate season also known as a "season within a season" for pintails and canvasback with a season length of 60 days (which may be split if regular duck season is also split). In early August the Service adopted a 60 day pintail and canvasback season.
- (12) Minor editorial changes were made to clarify and simplify the regulations and to comply with federal frameworks.
- (13) The Commission adopted the following regulations at the August 28, 2003 meeting in Santa Rosa:

<u>Area</u>	<u>Species</u>	<u>Seasons</u>	<u>Daily Bag & Possession Limits</u>
Statewide	coots & moorhens	concurrent with duck season	25/day. 25 in possession singly or in the aggregate.
	Black Brant	Nov 10 - Dec 9	2/day. Possession limits double the daily bag.
<u>Northeastern Zone</u>	Ducks	Oct 11-Dec 9 & Dec 12 - Jan 25	7/day, no more than 2 hen mallards, 4 scaup, 2 redheads, 1 canvasback, 1 pintail. Possession limits double the daily bag.
	Pintail	Oct 11-Nov 30 & Jan 17-Jan 25	
	Canvasback	Oct 11-Dec 9	
	Geese	Oct 11-Jan 18	3/day, no more than 2 dark geese of which no more than 1 may be a small Canada goose. Possession limits double the daily bag.
<u>Southern San Joaquin Valley and Balance of State Zones</u>	Ducks	Oct 18-Nov 19 & Nov 21-Jan 25	7/day, no more than 2 hen mallards, 4 scaup, 2 redheads, 1 canvasback, 1 pintail. Possession limits double the daily bag.
	Pintail	Oct 18-Oct 26 & Dec 6-Jan 25	
	Canvasback	Nov 27-Jan 25	
	Geese	Nov 1-Jan 25	3/day, no more than 2 dark geese of which no more than 1 may be a small Canada goose. Possession limits double the daily bag.
<u>Southern California Zone</u>	Ducks	Oct 18-Jan 25	7/day, no more than 2 hen mallards, 4 scaup, 2 redheads, 1 canvasback, 1 pintail. Possession limits double the daily bag.
	Pintail	Nov 27-Jan 25	
	Canvasback	Nov 27-Jan 25	
	Geese	Oct 18-Jan 25	5/day, up to 3 white geese, or 3 dark geese, of which no more than 1 may be a small Canada goose. Possession limits double the daily bag.
<u>Colorado River Zone</u>	Ducks	Oct 17-Jan 25	7/day, no more than 2 hen mallards or Mexican-like ducks, 4 scaup, 2 redheads, 1 canvasback, 1 pintail. Possession limits double the daily bag.
	Pintail	Nov 27-Jan 25	
	Canvasback	Nov 27-Jan 25	
	Geese	Oct 17-Jan 25	6/day, no more than 3 dark geese or 3 white

			geese. Possession limits double the daily bag.
<u>Special Area Regulations</u>	<u>Species</u>	<u>Season</u>	<u>Daily Bag & Possession Limits</u>
North Coast	Canada geese	Nov 8-Nov 23	1/day, possession limits double the daily bag.
South Humboldt Bay	All species	Closed Nov 10-Dec 9	
Sacramento Valley (west)	white-fronted geese	Closed after Dec 14	
Sacramento Valley (east)	Canada geese	Closed	
Morro Bay	All species	Open in designated areas	
Martis Lake	All species	Closed until Nov 16	
Imperial County	White geese	Jan 26-Feb 1	3/day, possession limits double the daily bag.
<u>Youth Hunt Days</u>	<u>Species</u>	<u>Season</u>	<u>Daily Bag & Possession Limits</u>
Northeastern Zone	same as regular season	September 27 & 28	same as regular season
Southern San Joaquin Valley Zone	same as regular season	Jan 31 & Feb 1	
Southern California Zone	same as regular season	Jan 31 & Feb 1	
Colorado River Zone	same as regular season	Jan 31	
Balance of State Zone	same as regular season	Jan 31 & Feb 1	
<u>Falconry Take of Ducks</u>	<u>Species</u>	<u>Season</u>	<u>Daily Bag & Possession Limits</u>
Northeastern Zone	ducks, geese, American Coot and Common Moorhen	open concurrently with duck season and extending for 105 days.	3/day, either all of 1 species or a mixture of species allowed for take. Possession limits double the daily bag.
Balance of State Zone	ducks, geese, American Coot and Common Moorhen	open concurrently with duck season and extending for 107 days.	
Southern San Joaquin Valley Zone	ducks, geese, American Coot and Common Moorhen	open concurrently with duck season and extending for 107 days.	
Southern California Zone	ducks, geese, American Coot and Common Moorhen	open concurrently with duck season and extending for 107 days.	
Colorado River Zone	ducks, American Coot and Common Moorhen (geese not allowed in this zone)	open concurrently with duck season and from Jan 26-30.	